

STATE OF NEW YORK

2165

2017-2018 Regular Sessions

IN SENATE

January 12, 2017

Introduced by Sens. SERINO, MARCHIONE, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the uniform justice court act, in relation to the location of the presiding justice in certain circumstances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 106 of the uniform justice court
2 act, as amended by section 1 of part L of chapter 56 of the laws of
3 2010, is amended to read as follows:
4 1. A justice may hold court anywhere in the municipality including in
5 the case of a town justice anywhere within a village wholly or partly
6 contained within the town of which he is a justice regardless of whether
7 or not said village has a village court and in the event two or more
8 contiguous villages maintain offices in the same building, a village
9 justice of any such village may hold court in such building, notwith-
10 standing that the building is outside the boundaries of such village. A
11 town justice may hold court in an adjacent town providing such justice
12 has been elected or holds office pursuant to a plan established by
13 resolution which was adopted pursuant to the provisions of section one
14 hundred six-a of this article or the provisions of section one hundred
15 six-b of this article. A justice may hold court in one or more munici-
16 palities that form a contiguous geographic area, including in a town and
17 one or more villages each of which is wholly or partly contained within
18 such town, within the same county providing there is an agreement
19 between such municipalities pursuant to article [~~five-g~~] five-G of the
20 general municipal law to hold all court proceedings in any of the such
21 municipalities in a courtroom or other suitable facility open to the
22 public. For purposes of arraignments, appearance proceedings or pursu-
23 ant to a warrant, a justice may preside anywhere in the county provided
24 that:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 a. a justice cannot be secured in the municipality where the incident
2 occurred;

3 b. the receiving municipality has been contacted and cannot secure any
4 of the justices within the contiguous boundary; and

5 c. the justice is assigned pursuant to an emergency plan that may be
6 established by the chief administrator of the courts within the juris-
7 diction when the requirements under paragraphs a and b of this subdivi-
8 sion have been exhausted.

9 § 2. This act shall take effect immediately.